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22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA
24 OAKLAND DIVISION

25 JOHN WARIT,

26 Plaintiff,

27 vs.

28 UNITED STATES OF AMERICA,

Defendant.

Case No. C 05-01472 SBA

**STIPULATION AND ORDER
CONTINUING DEADLINE FOR
MEDIATION**

Plaintiff John Warit and defendant United States stipulate and request the Court to order that the mediation deadline be extended from February 28, 2006, to March 30, 2006. The Court set the deadline in its Civil Case Management Conference Minutes, dated September 28, 2005. The parties set a mediation for February 23, 2006, before mediator Matthew Vafidis. One key issue in the case is the nature and extent of plaintiff Warit's injuries, and whether such injuries

are permanent and cause permanent disability. An independent medical examination of Mr. Warit was set for January 17, 2006, which would have provided sufficient time in advance of the mediation for the doctor to prepare a report and for the parties to consider it. Mr. Warit, however, was in the Philippines for several months in the latter part of 2005 and the early part of 2006, including on January 17, 2006. Therefore he was unable to attend the independent medical examination, which could not be rescheduled until he returned. The examination is now set for March 8, 2006. The parties have tentatively agreed, subject to the Court's extending the mediation deadline, to hold the mediation on March 29, 2006. All parties, all attorneys, and the mediator can attend on that date.

The parties therefore jointly request that the Court extend the mediation deadline through March 30, 2006.

DATED: February 13, 2006 LAW OFFICES OF LYLE C. CAVIN, JR.

By _____/s/_____
Chris Goodroe
Attorneys for Plaintiff
JOHN WARIT

DATED: February 13, 2006 EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

By _____/s/_____
Eric Danoff
Of Counsel to Defendant
UNITED STATES OF AMERICA

SO ORDERED.

DATED: 2/24/06



U.S. District Judge